

REMARKS

Claims 1-9 and 15-21 remain pending for the present application. Applicants respectively request reconsideration of the above referenced application in view of the above claim amendments and the remarks presented below.

Applicants respectfully point out that the present Office Action is contradictory as to whether the rejection is Final. Applicants respectfully point out that there appears to be a typographical error as to the Finality of the present office action. For example, the Office Action Summary has the status marked as non-Final whereas paragraph 9 of the present Office Action states the action is made Final. Applicants respectfully submit that the action should be non-Final in light of amendments, arguments, and a new claim in the prior Office Action response dated 6/18/07 and filed in conjunction with an RCE. For example, Claim 1 was amended with the features of plurality of additional registers are used during execution for holding the official state of a target processor. Therefore, Applicants respectfully request appropriate correction.

35 U.S.C. Section 112 rejections:

The above referenced Office Action rejects Claim 17 as being indefinite for failing to particularly point out and distinctly claim the subject matter

which Applicants regard as the invention. More specifically, the present Office Action states the presence of the word "of" connecting "branch" and "target instructions" is the cause of the problem. Applicants have amended Claim 17 and therefore respectfully assert the rejection is moot. Accordingly, Applicants respectfully request the rejection be withdrawn.

35 U.S.C Section 102 Rejections:

Claims 1, 3, 8-9, and 15 are rejected under 35 U.S.C. Section 102(e) as being anticipated by Babaian et al. Applicants respectfully traverse.

Applicants wishes to respectfully remind the Examiner that “the examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate” and “(B) the difference or differences in the claim over the applied reference(s)” (MPEP §706.02(j)). As such, a mere assertion that Babaian anticipates using a plurality of additional registers during execution for holding the official state of a target processor does not provide Applicants with sufficient guidance as to the relevant teachings of the prior art relied upon as required by the MPEP (e.g., with column and line number references), nor does it set forth the difference or differences in the claim over the applied reference.

Therefore, Applicants respectfully request appropriate correction to the rejection pertaining to Claims 1, 3, 8-9, and 15 in the present application.

Applicants wish to remind the examiner that, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The cited reference, Babaian, as discussed herein fails to expressly or inherently disclose using additional registers during execution for holding an official state of a target processor, as claimed.

Applicants respectfully point out again that amended independent Claim 1 includes the feature of using additional registers during execution for holding an official state of a target processor as claimed. Applicants respectfully assert that independent Claims 3 and 8 recite similar limitations.

Applicants again point out that using additional registers during execution for holding an official state of a target processor, as claimed, is substantially different from the cited references, which disclose a register file used for storing execution data (Babaian paragraph 15 and 25). Applicants can find no recitation regarding additional registers. Accordingly, Applicants respectively assert that the claimed invention is not anticipated by cited references within the meaning of 35 U.S.C. Section 102(e).

With respect to Claims 9 and 15, Applicants respectfully state that Claims 9 and 15 depend from allowable independent Claims 8 and 1 respectively and recite further features of the present claimed invention. Therefore, Applicants respectfully assert that Claims 9 and 15 are allowable as depending from allowable base Claims.

35 U.S.C Section 103 Rejections

Applicants respectfully point out that the Examiner has the burden of establishing a prima facie case of obviousness. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2100-126.

Applicants respectfully point out that a mere assertion by the examiner is insufficient to satisfy the burden of establishing a prima facie case of obviousness. Furthermore, for the same rationale as described above,

regarding additional registers as claimed, Applicants respectfully reiterate that these limitations are not shown or suggested by the cited references. Accordingly, the claimed invention is not rendered obvious by the cited references within the meaning of 35 U.S.C Section 103.

New Claims

Applicants respectfully point out again that Claim 21 includes the features of using additional registers for being used for holding the official state of a target processor which is included in Claim 1. Based on the rationale above with respect to Claim 1, Applicants respectfully assert that Claim 21 is in condition for allowance. Furthermore, Claim 21 includes the features of buffer that stores working memory state changes and official memory state changes which are not taught, shown, or suggested by the above cited references.

Applicants wish to respectfully remind the Examiner that “the examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate” and “(B) the difference or differences in the claim over the applied reference(s)” (MPEP §706.02(j)). As such, no discussion of previously new Claim 21 does not provide Applicants with sufficient guidance as to the relevant teachings of the prior art relied upon as required by the MPEP (e.g., with column and line

number references), nor does it set forth the difference or differences in the claim over the applied reference. Therefore, Applicants respectfully request appropriate correction to the rejection pertaining to Claims 21 in the present application.

CONCLUSION

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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